

In re Patent Application of

Atty SCS-124-928

Dkt.

C# M#

SIMPSON et al

TC/A.U. 2132

Serial No. 10/088,541

Examiner: B. Bludau

Filed: March 19, 2002

Date: May 9, 2007

Title: METHOD FOR COMPUTER SECURITY

FACSIMILE CERTIFICATE

I hereby certify that this Rseponse is being transmitted by facsimile to the Patent and Trademark Office on May 9, 2007, specifically to 571-273-8300.

RECEIVED

CENTRAL FAX CENTER

MAY 09 2007

Signature
Stanley C. Spooner
Reg. No. 27,393

No. of pages transmitted (including this cover sheet): 5 pages

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment 45 minus highest number
previously paid for 45 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 10 minus highest number
previously paid for 10 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)
One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)
Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/\$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: \$ 0.00

TOTAL FEE \$ 0.00

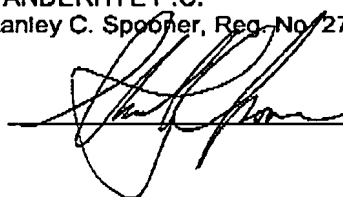
☐ **CREDIT CARD PAYMENT FORM ATTACHED.**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
SCS:kmm

NIXON & VANDERHYE P.C.
By Atty: Stanley C. Spooner, Reg. No. 27,393

Signature:



RECEIVED
CENTRAL FAX CENTER

MAY 09 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Confirmation No.: 6928

SIMPSON et al

Atty. Ref.: SCS-124-928

Serial No. 10/088,541

TC/A.U.: 2132

Filed: March 19, 2002

Examiner: B. Bludau

For: METHOD FOR COMPUTER SECURITY

* * * * *

May 9, 2007

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTICE OF PANEL DECISION
FROM PRE-APPEAL BRIEF REVIEW**

On October 11, 2006, some 6 months before filing the Pre-Appeal Brief Request for Review on April 26, 2007, Applicants filed an Amendment in the above-identified application. In claim 1, 3rd paragraph, Applicants deleted the word "associating" and inserted the phrase "providing for" (along with other properly implemented amendments) but neglected to underline the "providing for" language.

On November 3, 2006, Applicants made additional minor amendments by Supplemental Amendment. No objection to the October 11, 2006 Amendment or the November 3, 2006 Supplemental Amendment was received pointing out that the October 11 amendment was not in proper form, i.e., the words "providing for" were not underlined.

SIMPSON et al
Serial No. 10/088,541

The Examiner apparently delayed pointing out this obvious typographical error until forwarding the Final Rejection on January 31, 2007 in which he made a formal objection to the typographical error. In the Final Rejection the Examiner also erroneously objected to claim 38 as allegedly lacking antecedent basis, but did not reject the claim under 35 USC §112 (second paragraph).

Applicants responded by filing a Notice of Appeal and a Pre-Appeal Brief Request for Review, but also, in response to the Examiner's untimely and/or improper objections, submitted a corrected amendment page (for the amendment previously submitted on October 11, 2006). Applicants also noted in the substitution of the corrected amendment page document that claim 38 was not rejected under 35 USC §112, but even if it were, the word "plurality" has clear and literal antecedent basis in line 6 of claim 38.

Appellant did not file an amendment on April 26 and the submission was entitled "Substitution of Corrected Amendment Page" and was a corrected page for the previously filed October 11, 2006 Amendment. Since this amendment should have been rejected by the PTO as improper due to the typographical error, had the Patent Office notified Applicant that it was an improper amendment and noted that it did not include the necessary underlining under all inserted phrases, Applicant would have corrected that amendment at that time and well prior to the filing of the corrected page in April.

The Examiner's delay in bringing this objection necessitated Applicants' late submission of the corrected amendment page.

SIMPSON et al
Serial No. 10/088,541

RECEIVED
CENTRAL FAX CENTER

MAY 09 2007

Interview with SPE Cabeca May 8, 2007

On May 8, 2007, Applicants' undersigned representative contacted SPE John Cabeca, the signator of the Notice of Panel Decision from Pre-Appeal Brief Review, and explained the above sequence of events. The undersigned supposed and Examiner Cabeca confirmed that a thorough review of the details of the corrected page for the October 11, 2006 amendment may not have been undertaken and the SPE may have merely seen what appeared to be an amendment offered with the Pre-Appeal Brief Request for Review. SPE Cabeca suggested that Applicants set out the above facts in a request for reconsideration in order to toll the running of any Appeal Brief filing date and thus Applicants have submitted this request.

Accordingly, Applicants request that the Patent Office merely substitute the corrected amendment page for the corresponding amendment page submitted October 11, 2006 and that the corrected page obviates any objection to claim 1 as noted in the Final Rejection.

Applicants also request that the Examiner reconsider his objection to claim 38 and either withdraw the objection based upon the clear and literal antecedent basis in line 6 of claim 38 or rephrase the objection as a rejection under 35 USC §112 (second paragraph) which can also be included in the issues raised before the panel.

Finally, applicants request a proper and considered Panel review of the previously filed Pre-Appeal Brief Request for Review and an expedited and timely response to this request would be appreciated.

SIMPSON et al
Serial No. 10/088,541

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Stanley C. Spooner

Reg. No. 27,393

SCS:kmm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100